

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 23 2008

In re Patent Application of

Atty LCM-608-458

Dkt.

C# M#

ROSEN

TC/A.U. 1621

Serial No. 10/543,095

Examiner: Zucker, P.A.

Filed: July 22, 2005

Date: May 23, 2008

Title: OXIDATION CATALYST AND ITS PREPARATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$210.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$370.00 (1203)/\$0.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$0.00 (2251)
Two Month Extensions	\$460.00 (1252)/\$0.00 (2252)
Three Month Extensions	\$1050.00 (1253)/\$0.00 (2253)
Four Month Extensions	\$1640.00 (1254)/\$0.00 (2254)
Five Month Extensions	\$2,230.00 (1255)/\$1115.00 (2255) \$

Terminal disclaimer enclosed, add
\$130.00 (1814)/ \$0.00 (2814) \$

Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ \$ 0.00

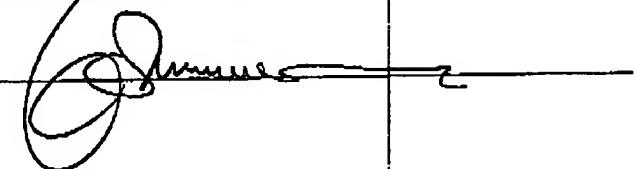
TOTAL FEE \$ 0.00

 CREDIT CARD PAYMENT FORM ATTACHED.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 

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MAY 23 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ROSEN Atty. Ref.: 608-458; Confirmation No. 5694

Appl. No. 10/543,095 TC/A.U. 1621

Filed: July 22, 2005

For: OXIDATION CATALYST AND ITS PREPARATION

May 23, 2008

Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

RESPONSE

In response to the Official Action mailed April 23, 2008, the Applicant hereby elects Group I (claims 42-70). The election is made with traverse.

Claims 42-70 are directed to a method of catalyst preparation. Claim 71 is directed to a catalyst composition suitable for use in the oxidation of ethane and/or ethylene. Claims 72-82 are directed to a process for the oxidation of ethane and/or ethylene.

In the Restriction Requirement, it is stated that claims 42-82 form three separate inventions, and that these inventions are not so linked as to form a single general inventive concept under PCT Rule 13.1. The reason for alleging lack of unity is that the only possible special technical feature that can tie the claims is that of the catalyst itself but the catalyst is known in the art and, thus, there is lack of unity.

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The position espoused in the Action appears to be based on the view that the claimed catalyst is known in the art from the International Search Report. This is not correct.

The International Search Report cites three "X" category documents and two "A" category documents. Of the five cited documents, the Action makes specific mention of only one, namely WO 00/14047. This document is cited as an "A" category document in the International Search Report. The Action does not state where in WO 00/14047 the claimed catalyst is alleged to be disclosed.

The present invention relates to a catalyst which has been prepared by forming a slurry of the metal catalytic components and alpha-alumina support particles (or an alpha-alumina support precursor), followed by spray drying the slurry. It has been found according to the present invention that, by employing alpha-alumina as the support in a spray-dried catalyst, improved selectivity to acetic acid/ethylene products in the oxidation of ethane/ethylene, together with a reduction in CO_x by-product formation is achieved, compared to the use of a conventional silica support.

In the art cited in the Action, there is a disclosure of catalysts employing silica as the support material, but there is no disclosure of spray-drying a slurry of metal catalytic components and alpha-alumina support material. In addition, and although not explicitly referred to in the Action, there is also no disclosure of the claimed catalyst in the other references cited in the International Search Report, GB 1,329,451, US 3,240,805, EP 0 294 845 and US 6,130,356.

In view of the above, since it is clear that the claimed catalyst is not known in the art, the present claims are linked by the same special technical feature and

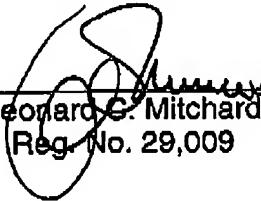
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consequently possess unity of invention. Furthermore, in the PCT Searching Authority's opinion, the claims do have unity, as no lack of unity objection was made.

Reconsideration of the restriction requirement and examination of all claims in this case are respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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